

Date: March 24, 2006

TO: THE MUNCIE BAR ASSOCIATION AND THE GENERAL PUBLIC

NOTICE FROM THE DELAWARE CIRCUIT COURT

The following Local Rules have been adopted by the Delaware County Board of Judges and submitted for modification:

1. Reallocation and Reassignment of Cases (June 1, 2003)
2. Local Rules of Civil Practice and Procedure (April 23, 2003)

Any comments you may have regarding the attached modifications or deletions must be received by May 12, 2006. Comments may be submitted in writing to:

The Honorable Wayne J. Lennington, Presiding Judge
Delaware Circuit Court No. 5
c/o Lana L. Horning, Court Administrator
100 W. Washington Street
Muncie, IN 47305

These proposals will be adopted, modified or rejected by the Supreme Court with an anticipated effective date of January 1, 2007.

LOCAL RULE COVERSHEET

This coversheet must be attached or included with all local rule submissions to the Division of State Court Administration.

County: Delaware

Courts Included: Circuit Courts No. 1, 2, 3, 4 and 5

Contact Name / Phone Number: Judge Wayne J. Lennington, Circuit Court No. 5 c/o Lana Horning, Court Administrator Phone: 765-747-7734

The attached rules are:

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Newly revised and submitted for posting to the Internet and comment.

The rules contained in this packet:

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Make changes to local rules pursuant to Trial Rule 79

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Make changes to local rules with respect to caseload allocation and Weighted Caseload, pursuant to Trial Rule 81(D)

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT
2006 TERM

LR18-_____

In Re: The Business of the Delaware Circuit Court

REALLOCATION AND REASSIGNMENT OF CASES

June 1, 2003 January 1, 2007

~~Pursuant to I.C. 33-5-12.1(b), and the abolishment of the Superior Courts for Delaware County, effective July 1, 2000, all matters pending in said courts shall be transferred to the Delaware Circuit Court in accordance with the venue requirements prescribed under Rule 75 of the Indiana Rules of Trial Procedure. These matters have the same effect as if originally filed in the Delaware Circuit Court.~~ Pursuant to Indiana Rules of Trial Procedure, Trial Rule 81, the Circuit Court of Delaware County hereby submits this Reallocation and Reassignment of Cases for amendment. After approval by the Indiana Supreme Court and after publication and posting for thirty (30) days in the county clerk's office(s) as well as the county clerk's website and on the Indiana Judicial Website, the court will enter an effective date for this rule amendment, as follows:

WHEREAS, the Board of Judges has revised the allocation of case assignments; and

WHEREAS, the Board of Judges is authorized to transfer cases between judges and divisions of the court; and

WHEREAS, the Board of Judges has determined that the efficient administration of justice is better served by a reallocation of certain types of cases.

NOW, THEREFORE, the Board of Judges of the Delaware Circuit Court, by its Presiding Judge, Orders and Directs the following:

(A) That the Clerk of Delaware County, upon direction of a transfer of any case holding a judgment, garnishment, bail bond, or otherwise, shall within said transfer, perfect the necessary changes to provide for the efficient and accurate accounting of all payments made toward any judgment rendered, including, but not limited to, garnishment payments made through a garnishee defendant, the release of judgments, bail bonds or other matters pertaining to said original cause and the transfer therein. In the perfection of the within Order, the Clerk shall notify interested parties to the action and the garnishee defendant.

(B) Cases filed prior to ~~June 1, 2003~~, January 1, 2007 will remain in the court of origin, unless otherwise ordered.

(C) Effective ~~June 1, 2003~~, January 1, 2007 the limitation of filings will be in place without exception. The allocation of cases will be as follows:

Circuit Court No. 1

Criminal: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C felonies or D felonies-

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding tax sales), ES, EU, GU, TR (Probate)

Circuit Court No. 2

Criminal: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C or D felonies.

Juvenile: JP (Juvenile Paternity), JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination)

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding tax sales), RS (Reciprocal Support)

Circuit Court No. 3

Criminal: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C or D felonies.

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding tax sales), MH (Mental Health)

Circuit Court No. 4

Criminal: Felonies which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C, or D felonies, class A Misdemeanors and (IF) Infractions.

Juvenile: NONE

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding tax sales) PO (Protective Order), ~~RS (Reciprocal Support)~~, SC (Small Claims)

Circuit Court No. 5

Criminal: Felonies which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), ~~and~~ misdemeanors in conjunction with Murder, or A, B, C, or D felonies, class A Misdemeanors and (IF) Infractions.

Juvenile: NONE

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous – INCLUDING tax sales), PO (Protective Order), SC (Small Claims), ES, EU, GU, TR (Probate)

(D) Assignment of cases as heretofore set out will continue to be subject to all Local Rules regarding non-discretionary assignment of felony and misdemeanor cases.

(E) Assignment of cases, effective January 1, 2007, the Clerk of Delaware County shall perfect the following limitation of filings:

1. (MF) Mortgage Foreclosure: 100 each court, and then commence again (i.e. when each court has 100 foreclosures, then the limitation will begin again until reached with 200, and etc.)
2. (CC) Civil Collections: 200 each court, and then commence again (i.e. when each court has 200 Civil Collections, then the limitation will begin again until reached with 400, and etc.)
3. (DR) Domestic Relations: 100 each court, and then commence again (i.e. when each court has 100 Domestic relations, then the limitation will begin again until reached with 200 and etc.)
4. (PO) Protective Orders: 100 each court, and then commence again (i.e. when each court has 100 Protective Orders, then the limitation will begin again until reached with 200, and etc.)
5. (MI) Miscellaneous: 75 each court, and then commence again (i.e. when each court has 75 Miscellaneous, then the limitation will begin again until reached with 150, then, etc.) Exception: Circuit Court No. 5 will receive all Tax Sale filings regardless of count.

These rules shall not take effect until approval by the Chief Justice of the Supreme Court of Indiana.

Adopted and Respectfully Submitted for Approval, this day 24th day of March, 2006.

Signed Signatures:

Marianne Vorhees, Judge
Delaware Circuit Court No. 1

Richard A. Dailey, Judge
Delaware Circuit Court No. 2

Robert L. Barnet, Judge
Delaware Circuit Court No. 3
(End of Reallocation Document)

John M. Feick, Judge
Delaware Circuit Court No. 4

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT
2006 TERM

LR18-_____

Local Rules of Civil Practice and Procedure

(Amendment to Local Rule 4-2003)

The following local rule regarding selection of special judges where a special judge does not accept a civil case under Trial Rule 79(D), (E), or (F), is now adopted by the undersigned judges of the Delaware Circuit Court, in conjunction with the other Courts of Administrative District 6 as established by Administrative Rule 3(A)(6), and submitted for approval to the INDIANA SUPREME COURT this 24th day of March, 2006.

A. Subdistricts Identified. To make the most effective use of judicial resources by using close proximity of the judges, Administrative District 6 shall be divided into three (3) subdistricts, the judges in each subdistrict constituting the panel for assignment in the event a *special judge* fails to accept a civil case under Trial Rule 79(D), (E), or (F), except that the following juvenile judges of the whole district shall constitute the panel for assignment in juvenile cases: Honorable Bruce C. Bade of Blackford Circuit Court; Honorable Robert L. Barnet of Delaware Circuit Court No. 3; Honorable Jack L. Brinkman of Madison Superior Court; Honorable Marianne Vorhees of Delaware Circuit Court No. 1; Honorable ~~Jan L. Chalfant~~ Jay L. Toney of Randolph Circuit Court; Honorable Richard A. Dailey of Delaware Circuit Court No. 2; Honorable Mary Willis of Henry Circuit Court; and Honorable Michael D. Peyton of Henry Superior Court.

The subdistricts are: Grant, Blackford, Madison, Henry, Delaware, Jay and Randolph Counties.

In submitting panels under Trial Rule 79 (F), judges in Delaware County shall name only regular or senior judges from this county.

B. Assignment - Civil. Any assignment required shall be made by the Delaware County Clerk on a rotating basis in consecutive order from the following individuals:

1. In Delaware, Jay and Randolph Counties: Honorable Robert L. Barnet; Honorable Marianne Vorhees; Honorable ~~Jan L. Chalfant~~ Jay L. Toney; Honorable Richard A. Dailey; Honorable Wayne J. Lennington; Honorable Joel D. Roberts; Honorable ~~John Feick~~ John M. Feick; and Honorable Peter Haviza.

The list of regular judges in the subdistrict containing Delaware County may be supplemented by senior judges or presiding judges of designated courts of the whole district.

In no event shall an individual be chosen whose name was placed on the panel submitted to the litigants under Trial Rule 79 (F).

In those cases where a judge has accepted an out-of-county special judge appointment under Trial Rule 79 (D), (E), and (F), and the case has not been transferred to such judge's court under Trial Rule 79 (M), the court bailiff shall notify the Delaware County Clerk, and such clerk shall exempt such judge from assignment for a case under Trial Rule 79 (H).

C. Annual Review. This local rule shall be subject to annual review by the regular judges of this administrative district.

D. Ineligibility. In the event no judge is eligible to serve as special judge in a case, or special circumstances warrant selection of a special judge by the INDIANA SUPREME COURT, the Delaware County Clerk shall certify this fact to the INDIANA SUPREME COURT for the appointment of a special judge, pursuant to Trial Rule 79 (K).

E. Limitation of Certain Cases. In the event a judge is not eligible to serve in a case, or circumstances warrant selection of a special judge or the transfer of a cause within the county, any court in this county having reached the limitation of filings as written in the Reallocation and Reassignment of Cases for the specified civil matters, that particular judge shall be excluded from the panel or transfer, whichever the case may be. Those cases with limitation are as follows:

1. (MF) Mortgage Foreclosure: 100 each court, and then commence again (i.e. when each court has 100 foreclosures, then the limitation will begin again until reached with 200, and etc.)

6. (CC) Civil Collections: 200 each court, and then commence again (i.e. when each court has 200 Civil Collections, then the limitation will begin again until reached with 400, and etc.)

7. (DR) Domestic Relations: 100 each court, and then commence again (i.e. when each court has 100 Domestic relations, then the limitation will begin again until reached with 200 and etc.)

8. (PO) Protective Orders: 100 each court, and then commence again (i.e. when each court has 100 Protective Orders, then the limitation will begin again until reached with 200, and etc.)

9. (MI) Miscellaneous: 75 each court, and then commence again (i.e. when each court has 75 Miscellaneous, then the limitation will begin again until reached with 150, then, etc.) Exception: Circuit Court No. 5 will receive all Tax Sale filings regardless of count.

These rules shall not take effect until approval by the Chief Justice of the Supreme Court of Indiana.

Adopted and Respectfully Submitted for Approval, this 21st day of March, 2006.

Signed Signatures:

Marianne Vorhees, Judge
Delaware Circuit Court No. 1

Richard A. Dailey, Judge
Delaware Circuit Court No. 2

Robert L. Barnet, Judge
Delaware Circuit Court No. 3

John M. Feick, Judge
Delaware Circuit Court No. 4

Wayne J. Lennington, Presiding Judge
Delaware Circuit Court No. 5